

1 BRUCE NYE, SBN 77608
2 ADAMS | NYE | TRAPANI | BECHT LLP
222 Kearny Street, Seventh Floor
3 San Francisco, California 94108-4521
Telephone: (415) 982-8955
4 Facsimile: (415) 982-2042

5 Attorneys for Defendant
WHIRLPOOL CORPORATION

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT, CALIFORNIA

11 THE STANDARD INSURANCE
12 COMPANY,

13 Plaintiff,

14 vs.

15 WHIRLPOOL CORPORATION and DOES 1
to 50 inclusive,

16 Defendant.

No.: C 07 3872 BZ

**SUPPLEMENTAL CASE
MANAGEMENT STATEMENT,
STIPULATION AND ORDER
CONTINUING STATUS CONFERENCE,
EXTENDING DISCOVERY, EXPERT
AND MOTION DATES**

19
20 **TO THE HONORABLE BERNARD ZIMMERMAN, UNITED STATES**
21 **MAGISTRATE JUDGE:**

22 1. This fire insurance subrogation matter is before the Court on removal jurisdiction
23 pursuant to 28 U.S.C. §§ 1332 and 1441. Pursuant to stipulation and joint request of the parties, this
24 matter was assigned to the Honorable Bernard Zimmerman on March 12, 2008. On March 17,
25 2008, the court set this matter for a Status Conference on Monday, April 28, 2008.

26 2. Judge Wilken, to whom the matter was previously assigned, held a Case
27 Management Conference on November 6, 2007 and set certain dates. Among other dates, she set a
28 discovery cut-off date of March 17, 2008, an expert witness disclosure date of April 8, 2008 and a

1 dispositive motions cut-off date of May 8, 2008. Presumably as a result of a typographical error,
 2 Judge Wilken also set an expert witness discovery cut-off date of March 17 (i.e., some three weeks
 3 before expert witnesses are to be disclosed). A pretrial conference was set for July 23, 2008 and
 4 trial for August 4, 2008, although those dates were vacated when the matter was assigned to Judge
 5 Zimmerman.

6 3. The parties have worked diligently to complete their expert investigations so as to
 7 submit the matter to mediation. It is the intention of both parties to work actively at mediation to
 8 resolve this matter, and the case may well be resolved at that time. However, despite the best efforts
 9 of the parties, expert investigation has only recently been concluded, with the last inspection
 10 occurring this month. The earliest mutually available date for bringing this before the parties'
 11 agreed mediator is May 13, 2008, and mediation has been scheduled for that date.

12 4. In an effort to save costs while determining if this case can be resolved at mediation,
 13 the parties have limited their activities to those necessary to position the case for the mediation, and
 14 would like to continue to do so until the case has been mediated. For that reason, the parties are
 15 jointly asking the court to reschedule the expert witness disclosure, discovery cut-off and motion
 16 hearing cut-off dates by approximately sixty days, and reschedule the expert witness discovery cut-
 17 off to a date which allows a suitable window for expert witness discovery after experts are
 18 disclosed. Specifically, the parties request dates as follows:

19 Non-expert discovery cut-off: July 11, 2008
 20 Expert disclosure: August 8, 2008
 21 Expert witness discovery cut-off September 18, 2008
 22 Dispositive motions hearing cut-off October 31, 2008.

23 As mentioned above, the parties will make every effort to resolve the matter at the May 13
 24 mediation, so that these dates become moot.

25 5. The parties propose that the status conference now set for April 28, 2008 be
 26 continued to a date after the May 13 mediation, so that if the case settles no conference will be
 27 necessary. The parties also request that pretrial and trial be set after November 15, 2008.

28 ////

1 Dated: March 25, 2008

ELIE AND ASSOCIATES

2
3
4 
5 SHAWN C. MOORE
Attorneys for Plaintiff THE STANDARD
INSURANCE COMPANY

6 Dated: March 21, 2008

ADAMS | NYE | TRAPANI | BECHT LLP

7
8 
9 BRUCE NYE
Attorneys for Defendant
WHIRLPOOL CORPORATION

10
11 ORDER

12 PURSUANT TO STIPULATION,

13 _____ The Status Conference in this matter is continued from April 28, 2008 until
14 _____, 2008 at _____ M.

15
16 _____ The Court adopts the parties' proposed case management dates as follows:

17 Non-expert discovery cut-off: July 11, 2008
18 Expert disclosure: August 8, 2008
19 Expert witness discovery cut-off September 18, 2008
20 Dispositive motions hearing cut-off October 31, 2008.

21
22 Dated: _____ 2008

23 THE HONORABLE BERNARD ZIMMERMAN
United States Magistrate Judge
24
25
26
27
28